



Posted 5/07/2013  
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STATE OF DELAWARE  
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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|                                |  |
|--------------------------------|--|
| <b>PUBLIC MEETING MINUTES:</b> | <b>Board of Chiropractic</b>   |
| <b>MEETING DATE AND TIME:</b>  | <b>Thursday, February 7, 2013 at 8:30 a.m.</b>   |
| <b>PLACE:</b>                  | 861 Silver Lake Boulevard, Dover, Delaware<br><b>Conference Room B</b> , second floor of the Cannon Building |
| <b>MINUTES APPROVED:</b>       | May 7, 2013  |

**MEMBERS PRESENT**

Dr. Kelly Keener, Professional Member, President  
Dr. Arthur Travis, Professional Member  
Dr. Brian Chandler, Professional Member, Complaint Officer  
Jill Morrison, Public Member, Secretary  
Lois Dunning, Public Member

**MEMBERS ABSENT**

Dr. Christopher Baldt, Professional Member, Secretary  
Jay Galloway, Public Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERALS PRESENT**

Eileen Kelly, Deputy Attorney General  
LaTonya Brown, Administrative Specialist II

**OTHERS PRESENT**

None

**CALL TO ORDER**

Dr. Keener called the meeting to order at 8:53 a.m.

**REVIEW OF MINUTES**

A motion was made by Dr. Morrison, seconded by Dr. Travis, to accept the meeting minutes of December 6, 2012. The motion carried unanimously.

**UNFINISHED BUSINESS**

**Re-review of Continuing Education Audits**

The following continuation education audits were re-reviewed & approved:

|                |                  |                  |                      |
|----------------|------------------|------------------|----------------------|
| Joanne Bushman | Darlene Esposito | Gregory Matheny  | Raymond Pursell      |
| Thomas Canseco | Keith Hopkins    | James Matthews   | Desiree Steimel      |
| David Cooke    | Kirk Evans       | Maira McGuinness | Dustin Thomas        |
| Anthony Dicola | Adam Maday       | Gary Miller      | Cheri Zatko-Coseglia |

The files for Stephen Jankovic, Steven Karp, Brian McDonald, John Saponara, & Peter Sottile were forwarded to the hearing officers for scheduling of a rule to show cause hearing.

The continuation education audit of Garland Fisher was tabled as he did not provide proof of completing the 3 hours in ethics, record keeping, or risk management.

## **NEW BUSINESS**

### **Ratification of Applications**

A motion was made by Dr. Keener, seconded by Dr. Travis, to ratify for approval the applications of Kristopher Kondrad, Lisette Miller, Tracy Stanganelli, Hetal Patel, Thomas Connelly, and Kurt Ross by the Division as directed by the Board. The motion carried unanimously.

### **Consent Agreement**

A motion was made by Dr. Chandler seconded by Mr. Dunning, to accept the consent agreement for Sean Mass. The motion carried unanimously.

### **Hearing Officer Recommendations**

A motion was made by Dr. Keener, seconded by Ms. Morrison, to affirm the hearing officer's recommendations for James Hal Bowen. The motion carried unanimously.

## **COMPLAINT STATUS**

|          |                                    |
|----------|------------------------------------|
| 06-01-11 | Closed                             |
| 06-01-12 | Awaiting Formal Complaint Assigned |
| 06-03-12 | Closed                             |
| 06-05-12 | Awaiting Formal Complaint Assigned |
| 06-06-12 | Referred to AG for Prosecution     |
| 06-07-12 | Open                               |
| 06-08-12 | Assigned to Board                  |
| 06-09-12 | Open                               |

## **OTHER BUSINESS BEFORE THE BOARD (for discussion only)**

### **Question & Answer Worksheet**

Ms. Brown continues to update the question & answer worksheet. The questions that are proposed to the Board from correspondence may also be included in the worksheet.

### **Ethics brochures- DAG's Office**

Ms. Brown presented the Board with an ethics brochure, *Regulatory Resources for Doctors of Chiropractic with Ethic Issues*, which was elaborated on by Ms. Eileen Kelly, DAG.

### **Governor Markell signed Executive Order 36 on June 14, 2012**

Ms. Brown presented the board with the Executive Order 36 signed by Governor Markell, elaborated by Ms. Eileen Kelly (DAG). Ms. Kelly informed the Board that Governor Markell signed Executive Order 36, on June 14, 2012, whereas each Executive Branch Agency was to solicit input from the business community, non-profit community, and the general public in order to identify regulations adopted three years ago or more & is to be reviewed by the Agency for possible modification or elimination (the "Public Input Period"). DPR conducted one public hearing in each county in accordance with the APA, and also accepted written submissions. The submissions are being compiled & will be presented to the board accordingly.

## **CORRESPONDENCE**

### **Hearing Officer Email**

Roger Akin, Chief Hearing Officer wanted guidance on licensees not providing their certificates and other evidence of compliance in a timely fashion, if they should be disciplined. The board agreed that although the licensees failed to file in a timely manner, but got their documentation submitted & reviewed prior to their scheduled hearing, that hearing should be cancelled and no discipline assessed.

### **Email from Dr. Sloan**

The Board reviewed an email from Dr. Sloan, his concerns were if Delaware would allow him to use "Medicine" in the title of his business as well as "Chiropractic Physicians". He stated that some states will not allow him to. The board responded, "Using 'Chiropractic Physicians' – this title/phrase is acceptable unfortunately, using 'medicine' in the title – this would have to go before the Board of Medical Licensure & Discipline for determination. Dr. Sloan also wanted to know if he could bill an extremity adjustment (98943)

for a personal injury case without having a spinal complaint. The response given by the board was “Using ‘*extremity adjustment (98943)*’ for a personal injury case without having a spinal complaint – is not in the board’s Statute or the Rule & Regulations. You might be able to obtain this information from the Insurance Commissioner’s Office (302) 674-7300.

#### NBCE Call for 2013 Delegate

The National Board of Chiropractic Examiners will be conducting their Annual Business Meeting of NBCE State Delegates held on Friday, May 3, 2013 in San Francisco. Ms. Brown received a notification from NBCE requesting the presence of a professional chiropractic board member to participate in this process. Dr. Chandler is the delegate and Dr. Keener is the alternate delegate.

#### Dr. Cessna Website

Texas Chiropractic College sent notification to all State Boards of Chiropractic stating that they do not have any ongoing relationship with Cessna Consulting (FYI).

#### NBCE Part IV

NBCE will be administering a Part IV Practical Examinations and host a Part IV Test Committee meeting. The National Board of Chiropractic Examiners wants to inform the board of their 2013 schedule in advance. Dr. Keener will not be able to attend and Dr. Chandler will respond directly to NBCE regarding this matter.

#### PowerPoll Request – CLEAR and Needle EMG

Ms. Brown received a *PowerPoll* Request from The Federal Chiropractic Licensing Board (FCLB) regarding experience with CLEAR Protocol for treatment of scoliosis. The response given is No, with having experience with CLEAR Protocol for the treatment of scoliosis.

Ms. Brown received a *PowerPoll* Request from The Federal Chiropractic Licensing Board (FCLB) regarding the board allowing doctors of chiropractic to perform needle EMG. This issue is under further discussion by the Board. It is recommended that chiropractors do not engage in this practice, as no definitive answer has been reached. Ms. Brown will ask for the compiled responses from the other states.

#### PUBLIC COMMENT

None

#### NEXT MEETING

The next Board meeting is scheduled for April 4, 2013.

#### ADJOURNMENT

There being no further business before the Board, a motion was made by Dr. Chandler seconded by Ms. Dunning, to adjourn the meeting. The motion carried unanimously. The meeting adjourned at 10:21 am.

Respectfully submitted,

A handwritten signature in black ink that reads "LaTonya Brown". The signature is written in a cursive, flowing style.

LaTonya Brown  
Administrative Specialist II